IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10277 of 2004

Between:

Gulam Mohammed, S/o. Gulam Nabi,
R/o.17-8-533/168/3/1/C, Baghe Jahan Ara,
Chawni Nade Ali Baig, Hyderabad-A.P.

..... PETITIONER

AND

The Regional Passport Officers, having Officer at Clock Towers,
Near Prashant Talkies, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction and more particularly one in the nature of writ of Mandamus directing the respondent to issue a new passport on a fresh application with correct date of birth of the Petitioner as 6th September,1978 instead of 6th September ,1974 at an early date

For the Petitioner:MR.ABDUL NAJEEB KHAN -Advocate

For the Respondent No.: Smt. A.P.Laxmi, SC for Central Govt.

The Court at the stage of admission made the Following :

ORDER:

The present writ petition is filed seeking a direction to the respondent to issue a new passport on a fresh application with correct date of birth as 6th September, 1978 instead of 1974.

Learned counsel for petitioner submitted that the petitioner has obtained a passport in the year 1996, wherein his date of birth was

wrongly shown as 6th September, 1974 instead of 6th September, 1978. It is further submitted that the petitioner's date of birth was correctly shown in his S.S.C. certificate as 6th September, 1978 and the respondent is not entertaining the application for correction of date of birth.

This Court in ALI IMRAN Vs. REGIONAL PASSPORT OFFICER, SECUNDERABAD [1], disposed of the writ petition in the following manner:

> *"Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bomaby referred to hereinabove, it is now permissible for the Regional Passport officer to accept applications for rectification/correction. Nonetheless, as per clause © above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the Civil Court."*

In the present case, the petitioner has not explained the reasons for delay in approaching the respondent nor filed any material to show that he has approached the respondent authority with an application for correction of his date of birth in the passport. In the circumstances, the petitioner is directed to file an application before the Passport Officer for correction of date of birth by properly explaining the reasons as to why he has kept quiet all these days. On filing any such application, the respondent Passport Officer is directed to consider the

same and pass appropriate orders in accordance with law.

N.V.RAMANA,J

23-6-2004

TVK/DA

To,

1.. The Regional Passport Officers, having Officer at Clock Towers, Near Prashant Talkies, Secunderabad.

2.. 2 CD copies

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[1] 2003 (3) ALD 625